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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 CHARLES D. RIEL,

12 Petitioner,

13 v.

14 WARDEN, San Quentin State Prison,

15 Respondent.
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No. 2:01-cv-0507 MCE DB

DEATH PENALTY CASE

ORDER


17 The undersigned held a status and scheduling conference in this action on January 25,
18 2019. Lindsay Bennett and Robert Bacon appeared for petitioner. Heather Gimle appeared for
19 respondent. At the hearing, the parties proposed that the evidentiary hearing described in the
20 court's April 9, 2018 order (ECF No. 569) be held in March 2020 and estimate that it will last
21 five days. The parties stipulated that any discovery motions shall be filed no later than 180 days
22 before the evidentiary hearing and they will conduct any depositions no later than sixty days prior
23 to the evidentiary hearing.

24 Accordingly, and good cause appearing, IT IS HEREBY ORDERED as follows:

- 25 1. By September 30, 2019, the parties shall file any motions to conduct discovery.
26 2. By November 30, 2019, the parties shall exchange final witness lists. Prior to
27 December 30, 2019, the parties shall meet and confer regarding the method of taking
28 each witness's testimony.

3. By December 30, 2019, the parties shall complete any outstanding discovery and depositions in lieu of in-court testimony, and shall file final witness lists for the evidentiary hearing. Those witness lists shall describe how each witness's testimony will be, or has been, taken and, for those witnesses who will appear at the evidentiary hearing, shall include a summary of each witness's expected testimony.
4. By January 30, 2020, the parties shall file their exhibit lists. Petitioner will use numbers to mark exhibits; respondent will use letters.
5. By February 28, 2020, the parties shall meet and confer regarding possible stipulations to exhibits and foundations to exhibits, and file any motions regarding the evidentiary hearing. Any oppositions to motions regarding the evidentiary hearing shall be filed no later than March 6, 2020. Any replies shall be due by March 13, 2020.
6. Pre-hearing motions shall be heard on March 20, 2020 at 1:30 p.m. in courtroom #27.
7. By March 27, 2020, each party shall submit three tabbed courtesy copies of that party's evidentiary hearing exhibits, contained in three ring-binders, to Pete Buzo, Courtroom Deputy.
8. On March 30, 2020, at 9:00 a.m. in courtroom #27, the evidentiary hearing shall commence. The parties agree the hearing should last approximately five days.
9. Within twenty days of the filed date of this order, Mr. Bacon shall propose a budget for his anticipated time and expenses from the January 25, 2019 status conference through the evidentiary hearing. This proposed budget will replace the current budget. No funds from the current budget will carry over. The proposed budget shall be filed under seal by e-mailing it to the court's "Approved Sealed" e-mail address, ApprovedSealed@caed.uscourts.gov.

Dated: February 1, 2019


DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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